IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 489/2006
(Smt. Durga Devi & Anr. Vs. State of Rajasthan & Anr.)

Date of Order : 27/11/2006

PRESENT
HON'BLE MR. JUSTICE H.R.PANWAR

Mr. R.K.Charan, for the petitioners.
Mr. Ashok Upadhyay, public prosecutor for the State.
Mr. Rakesh Arora for the non-petitioner No.2.

BY THE COURT:-

Heard learned counsel for the petitioners, public prosecutor for the State and the counsel appearing for non-petitioner No.2.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 16.1.2006 passed by Judicial Magistrate No.2, Bhilwara (for short 'the trial court' hereinafter), whereby the application filed by the petitioners seeking dropping of the proceeding, on the ground of trial court having no territorial jurisdiction to try the case, came to be dismissed.

It is reported that except the Investigating Officer, the other witnesses have already been examined. In the circumstances, therefore, it would not be proper at this stage to decide the question of territorial jurisdiction. It would be more

appropriate if the trial court after recording the entire evidence at the time of finally deciding the matter, decide the issue of jurisdiction also and the order impugned while deciding the matter finally would not come in the way of the trial court.

With these observations, the petition stands disposed of.

(H.R.PANWAR),J.

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